ATTACHMENT 7

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA

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Declaration of Terry A. Collins

- I, the undersigned, Terry A. Collins, do hereby make the following unsworn declaration pertinent to the above-styled and numbered cause.
- I am employed by the Federal Bureau of Prisons (BOP) as a Senior Counsel Southeast Regional Office in Atlanta, Georgia.
- In relation to the above-captioned case, my duties as Senior Counsel include general case management and preparation, and assistance to the United States Attorney's Office.
- I certify that all enclosed documents as provided to the Assistant United States Attorney are true and accurate copies of the original documents held during the regular course of business by the Bureau of Prisons:
- I declare under penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing is true and correct.

Executed this 13th day of July, 2005.

Terry A. Collins, Senior Counsel Southeast Regional Office

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA

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Declaration of Terry A. Collins

I, the undersigned Terry A. Gollins, do hereby make the following unsworn declaration, under penalty of perjury, pertinent to the above-styled and numbered cause.

- 1. I am employed as Senior Counsel, Federal Bureau of Prisons, Southeast Region in Atlanta, Georgia. I have been employed by the Bureau of Prisons for 12 years.
- 2. As Senior Counsel, I have access to the computerized records of the Administrative Remedy Complaints which is described at 28 C.F.R. §. 542.10, Administrative Remedy Procedures for Inmates.
- 3. 28 C.F.R. §542 et. seq., contains the guidelines an inmate must follow to exhaust his administrative remedies within the Bureau of Prisons. This three-tired process is a method whereby an inmate may seek redress for the deprivation of any right to which he is entitled or to which he feels entitled. A decision by the Bureau of Prisons is not final, until relief has been denied at the national level.
- 4. I have reviewed the Administrative Remedy Log for inmate Hall McClamma, federal register number 11386-017. The computerized log reflects inmate McClamma filed Request For Administrative Remedy no. 37588-F1 on May 6, 2005, at the Federal Prison Camp in Montgomery, Alabama. He challenged the denial of a furlough request based on the Florida state detainer. The administrative remedy was denied by the Warden on May 13, 2005. See Attachment A (the attachments to the request for administrative remedy are not attached). Inmate McClamma did not appeal the denial of the institution remedy. Nor has he filed any other administrative remedies. Id.
- 5. I declare under the penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 13th day of July 2005.

Terry A. Collins, Senior Counsel Federal Bureau of Prisons

Attachment A

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ATTACHMENT

FPC MONTGOMERY, AL. INFORMAL RESOLUTION FORM

DATE TZ8.05	Staff signat	TURB: ///	
INMATE NAME: McClamry	A, HAL	REG. NO. 11386-0	/7
NOTICE TO INMATE: You are advise informally resolve your complaint through	ed that prior to filing a Requ nyour unit counselor. Please	follow the three (3) steps belo	
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U.S. DEPARTMENT OF JUSTICE

REQUEST FOR ADMINISTRATIVE REMEDY

Federal Bureau of Prisons

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UNDS: The only statutory authority. The ding, untried charges. McClamme's char alid detainer, he is "otherwise qualifitody since May, 2002, an outstanding was accurated on his latest Program Reviewainer."	ges are neither pe ied ^a for the rolis ork record, no dis	nding or untried. f he seeks. He ha ciplinary actions	Except for the is had Community and the only
the attached Memorandum of Fact and Lar invalid on its face and does not apply ty to redesignate McClamma as requested MEMORANDUM OF FACT	to McClapasa. The	30P (Warden) hes ent in rime.	
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Part C- RECEIPT	11386-017	MEGIS A 2	

Program Statement 5280.03, Firloughs, Pebruary 4, 1998, Section 10, <u>LIMITATIONS OF ELIGIBILITY</u> 570.35, Paragraph f, states that the Warden may not ordinarily grant a furlough to an immate with a detainer.

A review of your case reveals that the State of Florida has lodged a detainer against. Reportedly, documents received from the Florida Department of Corrections indicate that you have a three-year state sentence and with a 12-month term of probation to follow that is to be satisfied following your release from federal custody. Therefore, since you do not meet the prescribed criteria for furloughs, your request cannot be granted at this time.

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U.S. Department of Justice Federal Bureau of Prisons

RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY

FPC Montgomery Mobile A 11386-017 McClamma, Hal From: NSTITUTEDS LAST NAME, TIRST, MIDDLE INTITAL

Part B- RESPONSE

Remedy ID - 375388-F1

This is in response to your Request for Administrative Remedy receipted May 6, 2005, in which you are seeking reconsideration for a furlough, Community Corrections Center (CCC) placement, and home confinement eligibility.

A review of your case indicates the Florida Department of Corrections has lodged a detainer against you. Documents received from Florida reveal you have a three-year state sentence with a 12-month term of probation to follow the service of your federal sentence. Program Statement 5280.08, Furloughs, provides that the Warden may not ordinarily grant a furlough to an inmate with a detainer. Program Statement 7310.04, CCC Utilization and Transfer Procedures, provides that immates with unresolved pending charges or detainers which will likely lead to arrest, conviction, or confinement shall not ordinarily participate in CCC or home confinement programs.

Based upon the above information, you are not an appropriate candidate for furlough participation, or for CCC or home confinement placement. Accordingly, your request for relief is denied.

In accordance with Program Statement 1330.13, Administrative Remedy Program, "An inmate who is not satisfied with the Warden's response may submit an Appeal on the appropriate form (BP10) to the appropriate Regional Director within 20 calendar days of the date the Warden signed the response."